

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 Robert.Freeman@lewisbrisbois.com
JENNIFER A. TAYLOR
3 Nevada Bar No. 6141
Jennifer.A.Taylor@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant
7 *USAA Casualty Insurance Company*

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NANCY WEBER, individually,

Plaintiff,

vs.

USAA CASUALTY INSURANCE
COMPANY; DOES 1 through X, and
ROE CORPORATIONS I through X;
inclusive,

Defendant.

CASE NO.: 2:22-cv-00696-GMN-EJY

**~~PROPOSED~~ STIPULATION AND ORDER
TO EXTEND TIME FOR DISCOVERY**

[THIRD REQUEST]

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by ninety (90) days, up to and including *Thursday, September 14, 2023*. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

1. On April 6, 2022, Plaintiff filed her Amended Complaint.
2. This action was removed to Federal Court on April 28, 2022. (ECF No. 1)
3. On May 31, 2022, Defendant filed its Answer to the amended complaint.
4. On September 8, 2022, the Court entered its Order regarding Discovery Plan and

1 Scheduling Order. (ECF No. 18).

2 5. On July 25, 2022, Plaintiff served his Initial FRCP 26(f) Disclosures.

3 6. On September 23, 2022, Defendant served written discovery on Plaintiff.

4 7. On September 23, 2022, Plaintiff served written discovery on Defendant.

5 8. On October 19, 2022, Defendant served its Initial FRCP 26(f) Disclosures.

6 9. On October 19, 2022, the Court entered its Order to Extend Time for Discovery.
7 (ECF No. 20)

8 10. On October 31, 2022, Plaintiff responded to written discovery.

9 11. On November 17, 2022, Defendant responded to written discovery.

10 12. Defendant subpoenaed records from eighteen (18) of Plaintiff's medical providers.
11 As of February 15, 2023, Defendant awaits receipt of records from one of those
12 providers, Dr. Schifini.

13 13. On February 16, 2023, Plaintiff served her designation of expert witnesses.

14 14. On February 22, 2023, Defendant served additional subpoenas to Plaintiff's medical
15 providers.

16 15. On March 23, 2024, Defendant took the deposition of Plaintiff.

17 16. On March 24, 2023, Defendant served its Fourth Supplement to FRCP 26(f)
18 Disclosures.

19 17. Defendant has conducted a Rule 35 examination of Plaintiff.

20 **DISCOVERY REMAINING**

21 1. Plaintiff may take the deposition of the Defendants.

22 2. The parties will take the depositions of expert witnesses.

23 3. The parties may take the depositions of any and all other witnesses garnered through
24 discovery.

25 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

26 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following
27 requested extension. Both parties have made initial disclosures and exchanged written discovery.
28 Defendant continues to gather records from Plaintiff's newly revealed medical providers, including

worker's compensation records and medical providers who treated Plaintiff for her work related injuries. Additionally, the parties require additional time to coordinate the depositions of the experts in order to accommodate the various expert schedules. Further, Additional time is requested so that the parties can complete discovery in order to submit the matter to a form of alternative dispute resolution (i.e., private arbitration) with neutral Paul Haire. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing sufficient time to complete discovery.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This request to extend the deadlines is made within 21 days of the current discovery cut-off deadline of June 16, 2023.

This is the third request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed New Deadline
Discovery Cut-off	Friday, June 16, 2023	<i>Thursday, September 14, 2023</i>
Deadline to Amend Pleadings or Add Parties	Tuesday, January 17, 2023	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	Thursday, February 16, 2023	<i>Thursday, February 16, 2023</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Friday, May 19, 2023</i>	<i>Friday, May 19, 2023</i>
Dispositive Motions	Monday, July 17, 2023	<i>Friday, October 13, 2023</i>
Joint Pretrial Order	Friday, August 18, 2023	<i>Monday, November 13, 2023</i>

///

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period
2 by ninety (90) days from the current deadline of June 16, 2023, up to and including September 14,
3 2023, and the other dates as outlined in accordance with the table above.

4 DATED this 25th day of May, 2023.

DATED this 25th day of May, 2023.

5 LEWIS BRISBOIS BISGAARD & SMITH

VANNAH & VANNAH

6 /s/ Jennifer A. Taylor

/s/ John B. Greene

7 ROBERT W. FREEMAN

JOHN B. GREENE

8 Nevada Bar No. 3062

Nevada Bar No. 4279

JENNIFER A. TAYLOR

ROBERT D. VANNAH

9 Nevada Bar No. 6141

Nevada Bar No. 2503

6385 S. Rainbow Boulevard, Suite 600

400 S. Seventh Street, 4th Floor

10 Las Vegas, Nevada 89118

Las Vegas, Nevada 89101

Attorneys for Defendant

Attorneys for Plaintiff

11 *USAA Casualty Insurance Company*

Nancy Weber

12 **ORDER**

13 **IT IS SO ORDERED:**

14 Dated this 25th day of May, 2023.

15
16 
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28